REMARKS

Reconsideration of the present application is respectfully requested. No new matter has been added. Claims 1, 11, and 18 have been amended. Claims 1-23 remain in the application for consideration.

Rejections based on 35 U.S.C. § 102

Claims 1, 3, 6, 7, 10, 11, 13, 14 and 16 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,112,015 to Planas ("Planas"). Applicants respectfully traverse this rejection based on the comments submitted in their Response of September 24, 2003, which is incorporated by reference herein, and the following remarks.

Applicants respectfully maintain that Planas does not teach "dividing a display area into a plurality of display divisions" nor "assigning each display division to a respective network function." Examiner cites to lines 9-13 of col. 6, lines 26-28 of col. 19, and FIGS. 2D, 4B, and 4D for the proposition that each network function or region can be displayed in a divided area. But this is not the case. Rather, each network function or region is displayed in an *un*divided display area.

"Dividing a display area into a plurality of display divisions" is given its ordinary meaning unless Applicants make clear that another meaning was intended. From Applicants' FIG. 2, it is clear that no special meaning is intended. FIG. 2 depicts an example of "dividing a display area into a plurality of display divisions." The display area is divided into a grid-like format where each cell independently displays data. Applicants respectfully maintain that such screen dividing is not taught by Planas, which merely describes a single, undivided screen that displays distinct data using multiple icons.

With reference first to Planas' FIG. 4B, it is clear that the display in Planas is *not* divided. Rather, the display area is a single, undivided display area. Comparing Planas' FIG. 4B to Applicants' FIG. 2 makes apparent a significant difference between Applicants' claimed method of "dividing a display area into a plurality of display divisions" and a method of displaying multiple data items on an undivided display area. Displaying multiple data items in an undivided screen area does not teach dividing a display area into a plurality of display divisions and then assigning each display division to a respective network function. FIG. 4B (as well as FIG. 4D) of Planas indicate such items as Access Region 80, Transport Region 82, Region A, multiple ATMs, and the like. Each of these items, however appear in an *un*divided display area.

Turning finally to lines 9-13 of col. 6 and FIG. 2D, these two citations merely disclose a type of a basic network-element icon. *See* col. 3, lines 9-10. No citation teaches dividing a display area into a plurality of display divisions. FIG. 2D illustrates that three contiguous icons reflect data related to three respective cards forming part of the same shelf. These cards are similar to cards in a computer. Three icons, each displaying independent information, however, does not teach dividing a display area into a plurality of display divisions. FIG. 2D depicts an icon; more particularly a composition of three icons. A composition of icons does not teach dividing a screen arena and then "assigning each display division to a respective network function." Thus, not only is a display area divided into a set of divisions, but each of those divisions displays data related to respective network functions. Planas makes no mention whatsoever of assigning multiple divisions to respectively display distinct data. The Office Action appears to state that depicting three icons that represent distinct values (Planas, FIG. 2D) is identical to the claimed features of dividing a display area into a plurality of display divisions

and assigning each division to a respective network function. These two features are not identical, and the former neither teaches nor suggests the latter.

Independent claim 11 even more particularly recites "dividing a *rectangular* display area into a plurality of display divisions" the arguments above are equally applicable to claim 11, and thus are incorporated by reference herein.

Additionally, claims 1 and 11 as amended further recite "without user interaction, periodically accessing each of said network functions to retrieve a respective current data value" In contrast to the present invention's automatic accessing of network functions, Planas teaches a pull technology of having to involve a user who clicks on an information icon to retrieve detailed information. *Planas*, col. 11, lines 33-40. Providing an initiation action, such as a mouse click, does not teach automatically accessing network functions.

Accordingly, independent claims 1 and 11 are in condition for allowance. Furthermore, dependent claims 3, 6, 7, and 10 depend from claim 1, and are consequently in condition for allowance because they include each limitation of claim 1. Some claims are also separately patentable. For example, claim 3 is separately patentable because Planas does not teach "scaling a range of values." At most, Planas recites attributing an icon with one of three colors (col. 12, lines 26-31), which, does not teach scaling a range of colors to a range of data values. Dependant claims 13, 14, and 16, which depend from claim 11, are also in a condition for allowance for at least the same reasons discussed above with respect to claim 11.

Rejections based on 35 U.S.C. § 103

Claims 2, 4, 5, 8, 9, 12, 15 and 17-23 stand rejected under 35 U.S.C. § 103 as being anticipated over Planas in view of U.S. Patent No., 5,581,797 to Baker ("Baker"). Applicants respectfully traverse these rejections. Claims 2, 4, 5, 8, 9, 12, 15, and 17-23 are

patentable for the reasons provided above because they depend either directly or indirectly from base claims 1 or 11, which are in a condition for allowance. Additionally, Applicants kindly maintain that a *prima facie* case of obviousness has not been established. To establish a *prima facie* case of obviousness, three criteria must be met:

1) there must be some suggestion or motivation to modify the reference or to combine reference teachings;

2) there must be a reasonable expectation of success; and

3) the prior-art references must teach or suggest all the claim limitations.

Moreover, the teaching or suggestion, and the reasonable expectation of success must be found tin the prior art and not be based on applicants' disclosure. *See* MPEP § 706.02(j), § 2142, and § 2143.

As mentioned in Applicants' previous response, Baker describes a method and apparatus for displaying hierarchal information of a large software system, i.e. of more than one million lines of source code. *See* Baker abstract. Baker explains that the displaying and visualization techniques of the time for small software systems had not been successfully scaled up for use with large software systems; and that "source code listings of large software systems overwhelm the mind" with too much fine grain detail. Flowcharts and structure diagrams not only become overloaded with details, but latter changes to the software system may render the original flow, structure and abstractions irrelevant to the current version of the system. *Baker*, col. 1, lines 53. Baker goes on to explain the need in the art for graphically displaying information and statistics about subsystems, directories and files of a large software system in an understandable manner for use by later software maintenance and development personnel. *Baker*, col. 1, lines 65-67 – col., lines 1-3.

Thus, Baker is concerned with the problem of visually representing a complicated computer program while the present invention is concerned with graphically providing information related to a complex telecommunications system. Applicants explain that by monitoring traffic flow, congestions in traffic flow, equipment malfunctions, degradation in operation, and the like can be detected and acted upon. *Specification*, p. 3, lines 14-16. Monitoring aspects of a large telecommunications network, as taught by the present invention, is quite different than visually depicting the structure of a computer program, as taught by Baker.

No suggestion nor motivation to modify Planas or to combine Planas with Baker exists. The Office Action states that "since both Planas and Baker are directed to a method of visualization of data in a system," and then stops. Although Applicants are unsure of the point to be made by the Office Action, surely just because Planas and Baker describe, at some level, visualization of data in a system, does not mean that a suggestion or motivation exists to combine the two teachings. The Office Action also states that "[b]y utilizing the teaching of Baker, it would provide user a greater understanding of the system (lines 12-16 of abstract of Baker)." *See* Office Action p. 10. Applicants are unsure of the meaning of the aforementioned statement. More specifically, Applicants are not quite sure to what does "it" and "the system" refer. Lines 12-16 of Baker's abstract state that a greater understanding of the history of a large software system can be provided if data of the various releases of software system are available.

Secondly, there must be a reasonable expectation of success. The Office Action offers no reasons as to why one skilled in the art should reasonably expect to succeed in making applicants' claimed invention from combining Planas and Baker.

Finally, the prior-art references do not teach or suggest all the claim limitations. Neither reference teaches dividing a display area into a plurality of display divisions, assigning

each display division to a respective network function, and without user interaction, periodically accessing each of said network functions to retrieve a respective current data value – limitations which appear in each independent claim from which claims 2, 4, 5, 8, 9, 12, 15, and 17-23 depend. Without establishing a *prima facie* case of obviousness, the §103 rejection of claims 2, 4, 5, 8, 9, 12, 15, and 17-23 should be withdrawn.

Even if Baker can be combined with Planas, the mere fact that references **can** be combined does not render the resultant combination obvious unless the prior art also **suggests** the desirability of the combination. *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1318 (Fed. Cir. 1990) and MPEP §2134.01, emphasis added. Additionally, some or all of these claims are separately patentable even if Baker were properly combinable with Planas. For example, claim 5 recites "dividing said display division associated with said at least one of said network functions into a plurality of display subdivisions equal to said plurality of data members of said data set." This feature of further subdividing is neither taught nor suggested by Planas, which only discloses a manual pull-type technology of clicking on an icon to receive data. The Office Action cites Baker for teaching, in combination with Planas, limitations (a), (b), and (d) as further recited in Claim 5. Applicants respectfully note that it is impermissible to use the claimed invention as an instruction manual or template to piece together the teaching of the prior art so that the claimed invention is rendered obvious. The Office Action cannot use hindsight to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. *In re Fritch*, 972 F.2d 1260, 23 USPQ 2d 1780 (Fed. Cir. 1992). Such hindsight is also employed to assert that claims 8 and 9 are rendered obvious by Planas in view of Baker.

As amended, independent claim 18 recites in part:

> (c) dividing a rectangular display area into a plurality of rectangular display divisions;

(d) assigning each display division to a respective network function;

(e) dividing each display division associated with a plurality of data members into a plurality of rectangular display subdivisions representing the associated plurality of data members

(h) periodically accessing, without user interaction, each of said network functions to retrieve a respective current data value.

As the arguments above regarding claims 1, 3, 5, and 11 (incorporated herein) explain, Planas does not teach nor suggest all of the features recited in claim 18, either alone or in combination with Baker. The display in Planas is not divided, but rather exists as a single, undivided screen. *See* Planas, FIG. 4B. Instead of dividing a screen to show multiple information sets, Planas depicts multiple objects (such as Access Region 80, Transport Region 82, etc.) on a single screen. This difference is significant because each division of the present invention can be used to represent dedicated information in one embodiment. Any divisions in Baker are related to segments of a computer program rather than to data flow of a communications network. No teaching from the prior art suggests assigning each display division to a respective network function. Moreover, feature (e) recites "dividing each display division associated with a plurality of data members into a plurality of rectangular display subdivisions representing the associated plurality of data members." As previously mentioned, the prior art – taken alone or in combination – does not teach dividing a display division within a first screen division. Finally, Planas, alone or in combination with Baker, does not teach periodically accessing network functions without user interaction.

Claims 19-23 depend either directly or indirectly from base claim 18, and are thus in a condition for allowance.

CONCLUSION

None of the prior art, alone or in combination, teaches or suggests the claimed invention. For the reasons stated above, claims 1-23 are in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and a Notice of Allowance be issued in this case. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned prior to issuing a subsequent action. The Commissioner is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 21-0765.

Respectfully submitted,

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